

Exhibit B

From: [McLennan, Mark C.](#)
To: [Mahaffy, Shaun](#)
Cc: [Hurst, James F.](#); [Carson, Patricia A.](#); [Berl, David](#); [Fletcher, Thomas](#); [Harber, Adam](#); [Daralyn Durie](#); [Eric Wiener](#); [Kira A. Davis](#); [Wacker, Jeanna](#); [Blumenfeld, Jack](#); [Egan, Brian P.](#); [#KEModernaSpikevaxService](#); [Genevant Team](#); [John Shaw](#); [Karen Keller](#)
Subject: RE: Arbutus v. Moderna
Date: Monday, August 1, 2022 8:59:22 AM

Shaun,

Thank you for your email below and for providing "Plaintiffs' Initial Identification of Asserted Patents, Accused Products, and Damages Model." As you are undoubtedly aware, Plaintiffs cannot unilaterally circumvent the Default Standard for Discovery by serving those. Moderna will make its disclosures according to any schedule entered by the Court. Further, nothing in the Default Standard or in Judge Goldberg's Policies and Procedures requires Moderna to produce documents by August 16.

We also see no need for a Rule 26(f) conference while Moderna's motion is pending and before the Court has ordered a Rule 16 conference.

Best regards,
Mark

Mark C. McLennan

KIRKLAND & ELLIS LLP

601 Lexington Avenue, New York, NY 10022

T +1 212 909 3451

mark.mclennan@kirkland.com

From: Mahaffy, Shaun <SMahaffy@wc.com>

Sent: Thursday, July 28, 2022 9:32 AM

To: McLennan, Mark C. <mark.mclennan@kirkland.com>

Cc: Hurst, James F. <james.hurst@kirkland.com>; Carson, Patricia A. <patricia.carson@kirkland.com>; Berl, David <DBerl@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Harber, Adam <AHarber@wc.com>; Daralyn Durie <DDurie@durietangri.com>; Eric Wiener <EWiener@durietangri.com>; Kira A. Davis <kdavis@durietangri.com>; Wacker, Jeanna <jeanna.wacker@kirkland.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Egan, Brian P. <began@morrisnichols.com>; #KEModernaSpikevaxService <KEModernaSpikevaxService@kirkland.com>; Genevant Team <GenevantTeam@wc.com>; John Shaw <jshaw@shawkeller.com>; Karen Keller <kkeller@shawkeller.com>

Subject: RE: Arbutus v. Moderna

Mark,

We disagree that it is appropriate for Moderna to refuse to begin the process of discussing a schedule. We therefore request again that Moderna join us in the Rule 26(f) discovery planning

conference so that the parties may begin preparing the Rule 26(f) report. Please let us know your availability this week for a Rule 26(f) conference.

Thanks,
Shaun

Shaun P. Mahaffy

Associate | Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024

202-434-5554 | smahaffy@wc.com

From: McLennan, Mark C. <mark.mclennan@kirkland.com>

Sent: Monday, July 25, 2022 8:36 PM

To: Mahaffy, Shaun <SMahaffy@wc.com>

Cc: Hurst, James F. <james.hurst@kirkland.com>; Carson, Patricia A.

<patricia.carson@kirkland.com>; Berl, David <DBerl@wc.com>; Fletcher, Thomas

<TFletcher@wc.com>; Harber, Adam <AHarber@wc.com>; Daralyn Durie

<DDurie@durietangri.com>; Eric Wiener <EWiener@durietangri.com>; Kira A. Davis

<kdavis@durietangri.com>; Wacker, Jeanna <jeanna.wacker@kirkland.com>; Blumenfeld, Jack

<JBlumenfeld@morrisnichols.com>; Egan, Brian P. <began@morrisnichols.com>;

#KEModernaSpikevaxService <KEModernaSpikevaxService@kirkland.com>

Subject: RE: Arbutus v. Moderna

Counsel,

We're in receipt of your email below attaching a draft scheduling order.

As you know, Moderna's partial motion to dismiss remains pending before the Court. The parties' briefing on Moderna's motion specifically addressed the extent to which the scope of the case, including discovery, would be narrowed should the motion be granted. Accordingly, Moderna does not agree to submit a proposed schedule at this early stage while the motion is pending.

To the extent a schedule is submitted, it should be submitted in accordance with the Rule 16 conference deadlines when those are set by the Court.

For future correspondence, please be sure to copy Jack Blumenfeld, Brian Egan, and KEModernaSpikevaxService@kirkland.com.

Regards,
Mark

Mark C. McLennan

KIRKLAND & ELLIS LLP

601 Lexington Avenue, New York, NY 10022

T +1 212 909 3451

mark.mclennan@kirkland.com

From: Mahaffy, Shaun <SMahaffy@wc.com>

Sent: Wednesday, July 20, 2022 3:19 PM

To: Wacker, Jeanna <jeanna.wacker@kirkland.com>

Cc: Hurst, James F. <james.hurst@kirkland.com>; Carson, Patricia A.

<patricia.carson@kirkland.com>; McLennan, Mark C. <mark.mclennan@kirkland.com>; Berl, David

<DBerl@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Harber, Adam <AHarber@wc.com>;

Daralyn Durie <DDurie@durietangri.com>; Eric Wiener <EWiener@durietangri.com>; Kira A. Davis

<kdavis@durietangri.com>

Subject: Arbutus v. Moderna

Counsel,

In view of paragraphs 2 and 4 of Judge Goldberg's Policies and Procedures guidelines regarding civil matters, Plaintiffs intend to move forward with discovery in the above case. Accordingly, please find attached a draft Scheduling Order. Please let us know by July 27 whether Defendants have any proposed edits or would like to discuss.

Thanks,

Shaun

Shaun P. Mahaffy

Associate | Williams & Connolly LLP

680 Maine Avenue SW, Washington, DC 20024

202-434-5554 | smahaffy@wc.com

This message and any attachments are intended only for the addressee and may contain information that is privileged and confidential. If you have received this message in error, please do not read, use, copy, distribute, or disclose the contents of the message and any attachments. Instead, please delete the message and any attachments and notify the sender immediately. Thank you.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return email or by email to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return email or by email to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.